

3612. Adulteration and misbranding of olive oil. U. S. v. 5 Cases and 8 Cases of Olive Oil (and 3 other seizure actions against olive oil). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 7146, 7372, 7437, 7607. Sample Nos. 1032-E, 1033-E, 64837-E, 64856-E, 64789-E.)

Analysis indicated that this product consisted wholly or in part of an oil other than olive oil.

Between April 3 and June 3, 1942, the United States attorneys for the District of Maryland, Northern District of Ohio, and the Western District of Pennsylvania filed libels against the following quantities of olive oil: 13 cases, each containing 6 cans, at Baltimore, Md.; 24 cans at Youngstown, Ohio; and 20 cans at Mahoningtown and 8 cans at Erie, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about January 26 to on or about March 2, 1942, by C. P. C. Trading Co. from Rochester, N. Y.; and charging that it adulterated and misbranded. It was labeled in part: (Cans) "One Gallon Net La Boheme Brand Pure Olive Oil."

The article was alleged to be adulterated (portion found at Youngstown) in that a substance containing an oil or oils other than olive oil had been substituted wholly or in part for pure olive oil, which it purported to be; (remainder) in that an oil other than pure olive oil had been substituted wholly or in part for pure olive oil, which it purported to be.

It was alleged to be misbranded: (Portion found at Mahoningtown) in that the statements, (main panel) "Pure Olive Oil Imported Product," (side panel) "This can contains imported olive oil," and (top) "Pure Imported Olive Oil," were false and misleading as applied to oil other than olive oil. (Portion found at Youngstown) in that statements and designs (main panel) "Pure Olive Oil Imported Product [design of olives]" (side panel) "This can contains imported olive oil—guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian and design of olives]," and (top) "Pure Imported Olive Oil" were false and misleading as applied to a substance containing an oil or oils other than olive oil. (Remainder) in that the following statements and designs, (main panel) "Pure Olive Oil Imported Product [design of olives]," (side panel) "This can contains imported olive oil—guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian and design of olives]," and (top) "Pure Imported Olive Oil," were false and misleading as applied to an oil other than olive oil. The product in all shipments was alleged to be misbranded further in that it was offered for sale under the name of another food.

On April 24, 1942, C. P. C. Trading Co., claimant for the seizures at Baltimore, Md., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. On June 5 and 18 and July 14, 1942, no claimant having appeared for the remainder of the olive oil, judgments of condemnation were entered and the product was ordered destroyed.

3613. Misbranding of olive oil. U. S. v. 30 Cases and 45 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6735. Sample No. 23768-E.)

This product was short of the declared volume.

On January 22, 1942, the United States attorney for the District of Nevada filed a libel against 75 cases of olive oil at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about September 6, 1941, by T. H. Eggers Co. from Oroville, Calif.; and charging that it was misbranded. It was labeled in part: "Net Contents 1 Pint [or "Contents 1 Quart"] Mission Del Oro Brand Extra Quality California Olive Oil."

The article was alleged to be misbranded in that the statements "Net Contents 1 Pint" and "Contents 1 Quart" were false and misleading as applied to an article that was short volume; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 15, 1942, T. H. Eggers Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.